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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,449	04/30/2001	Tomio Kondou	64859 CCD	2494

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EXAMINER

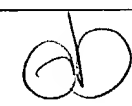
NOTE, JANIS L

ART UNIT PAPER NUMBER

1756

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/845,449	Applicant(s) KONDOU ET AL. 	
	Examiner Janis L. Dote	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. The examiner acknowledges the addition of claim 25 filed on Oct. 30, 2003 (cert. mail. Oct. 27, 2003) Amdt103003. Claims 1-7 and 25 are pending.

In Amdt103003, applicants requested that the paragraph beginning at page 7, line 10, of the specification, be replaced by the amended paragraph. However, the amended paragraph replaces the paragraph beginning at page 7, line 26, of the specification. The amended paragraph has been entered at page 7, line 26, of the specification.

2. The objection to the specification set forth in the office action mailed Jun. 27, 2003 (CTNF062703), paragraph 4, has been withdrawn in response to the amended paragraph beginning at page 7, line 26, of the specification, filed in Amdt103003.

The rejection of claims 1-7 under 35 U.S.C. 103(a) over US 5,805,969 (Elsermans) combined with US Patent Application 2000/0192580 (Kuramoto'580), set forth in CTNF062703, paragraph 7, has been withdrawn because Kuramoto'580 is not prior art under 35 U.S.C. 103(c). Applicants' representative has shown that Kuramoto'580 and the instant application were commonly owned by, or subject to an obligation of assignment to

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the same person at the time the instant invention was made. See Amdt103003, page 7, lines 3-5.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The pigments "Naphthol Carmine F6B" and "Naphthol Carmine FBB" recited in instant claim 1 are defined by the chemical formulas (4) and (5), respectively, at page 8, lines 1-10, of the specification.

5. Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,805,969 (Elsermans) combined with US 6,020,100 (Iwasaki), as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and Industrial Organic Pigments, Table 18 at page 289.

Elsermans discloses an image forming device and a method that meets the steps recited in instant claim 1, but for the particular color toners. Elsermans' method comprises the steps of: (1) developing electrostatic images on at least three image bearing members with a yellow toner, a magenta toner, and a cyan toner (see Fig. 1, image forming devices A, B, and C, col. 9, lines 44-52); (2) transferring in order the yellow, magenta, and

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cyan color toner images onto a web of paper to form a full color image (see Fig. 1, web of paper 12, col. 9, lines 62-66, and col. 11, lines 27-36); and (3) non-contact fixing the full color image on the web of paper with radiant energy (see Figs. 1 and 3, image-fixing station 16, col. 8, lines 14-40, col. 9, line 67, col. 11, lines 61-67); and (4) modifying the fixed full color image with a finishing device to achieve a desired gloss (see Fig. 1, finishing station 17, col. 9, line 67, and Fig. 3, finishing rollers 66 and 67, col. 12, lines 1-11). The yellow color toner image is formed directly on the web of paper (i.e., the receiving material), thus satisfying the requirement that "the yellow color toner image has a position closer to the receiving material than any other color toner image" recited in instant claim 1. Elsermans does not limit the type of toner used in its method. Col. 5, lines 59-62.

Iwasaki discloses a set of color toners comprising a yellow toner, a magenta toner, and a cyan toner. The color toners comprise a binder resin and a zinc salicylic acid compound that meets the metal complex recited in instant claims 6 and 7. See col. 9, lines 30-31, example 1 at cols. 10-11, example 13 at cols. 18-19. The yellow toner comprises Pigment Yellow 180,

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which is identified in CA Reg. No. 77804-81-0 as a benzimidazolone pigment. The cyan toner comprises Pigment Blue 15:2, which is identified in CA Reg. No. 147-14-8 as β -copper phthalocyanine. The magenta toner comprises Pigment Red 184. Pigment Red 184 is identified as a commercially available Naphthol AS pigment comprising a mixture of compounds having the same chemical formulae disclosed in the instant specification, page 8, as Naphthol Carmine F6B. See Industrial Organic Pigments, Table 18 at page 289. Thus, Pigment Red 184 is Naphthol Carmine F6B. Iwasaki further teaches that the color toners can be used as a mono-component developer, or in a two-component developer comprising a carrier. Col. 9, lines 56-61. Iwasaki discloses that his color toners are capable of providing full color images with good color reproducibility and transparency. Col. 1, lines 53-57, and for example, Table 1, example 1.

It would have been obvious for a person having ordinary skill in the art to use Iwasaki's color toners in Elsermans' image forming method, because that person would have had a reasonable expectation of successfully obtaining an image forming method that is capable of providing full color images on a receiving material with a desired gloss and good color reproduction and gloss and having the benefits disclosed by Iwasaki.

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6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsermans combined with Iwasaki, as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and Industrial Organic Pigments, Table 18 at page 289, as applied to claim 1 above, further combined with additional teachings in Iwasaki.

The claims are rejected for the reasons discussed in CTNF062703, paragraph 9, which are incorporated herein by reference.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsermans combined with Iwasaki, as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and Industrial Organic Pigments, Table 18 at page 289, as applied to claim 1 above, further combined with US 5,554,478 (Kuramoto' 478).

The claims are rejected for the reasons discussed in CTNF062703, paragraph 10, which are incorporated herein by reference.

8. Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki, as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and

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Industrial Organic Pigments, Table 18 at page 289, combined with US 3,874,892 (McInally) and US 5,521,688 (Moser).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki, as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and Industrial Organic Pigments, Table 18 at page 289, combined with McInally and Moser.

Iwasaki discloses a set of color toners, a yellow color toner, a magenta toner, and a cyan toner, that meet the toner compositional limitations recited in instant claims 1, 6, and 7, as described in paragraph 5 above, which is incorporated herein by reference. See examples 1 and 13.

Said color toners also appear to meet the toner properties recited in instant claims 2 and 3, as discussed in paragraph 6 above, which is incorporated herein by reference.

Iwasaki exemplifies forming full color images with its set of three color toners in examples 1 and 13. See col. 12, lines 21-26, Table 1 at col. 12, example 1, col. 20, lines 6-9, and Table 3 at col. 20, example 13. Iwasaki discloses that a full color printer shown in Fig. 1 and described at cols. 13-14 was used to form the full color images using the three color toners. See col. 12, lines 21-26. The image forming method using the full color printer shown in Fig. 1 comprises the steps

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of: (1) developing an electrostatic image on an image bearing member 10 with a cyan toner; (2) transferring the cyan toner image onto an intermediate transfer belt 40; (3) repeating steps (1) and (2) using in order the magenta and yellow toners to form a full color toner image on the intermediate transfer belt; (4) transferring the full color image on the intermediate transfer belt 40 to a recording sheet S; and (5) fixing the full color toner image on the recording sheet S with a "belt-type" heat fixing device 70. Fig. 1, col. 14, line col. 14, lines 14-38.

Because the yellow color toner image is the last image formed on the intermediate transfer belt, it forms the image closest to the receiving material. Thus, the method of forming a full color image meets the requirement recited in instant claim 1 that "the yellow color toner image has a position closer to the receiving material than any other color toner image" recited in instant claim 1.

Iwasaki does not disclose the use of "non-contact" fixing as recited in instant claim 1. As discussed previously, Iwasaki's method utilizes a "belt-type" heat fixing device 70. The "belt-type" heat fixing device 70 comprises a nip formed between a roller and a belt member wrapped around a roller. See Fig. 1. The fixing device 70 uses heat and pressure to fix a toner image to a recording material.

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McInally discloses that hot or cold pressure fixing methods have been known to create problems of image offsetting, resolution degradation, and generally have failed to produce consistently acceptable fixed images. Col. 1, lines 34-38.

Moser discloses a fixing method for fixing toner images on a receiving material that does not involve hot pressure fixing. Moser's method comprises the steps of non-contact fixing the color images on a receiving material by heating the member in an oven 76, and passing the fixed color images through a nip 90 formed by a pair of glossing rolls 78 and 80 to produce a desired uniform gloss in the color images. Col. 5, lines 27-61, and Fig. 1. Moser discloses that its method provides fixed color images that exhibit uniform gloss and satisfactory color saturation properties. Col. 1, lines 5-9. Moser discloses that his method can be used in a wide variety of printing methods and machines. Col. 4, lines 1-5. According to Moser, the glossing rollers are operated at substantially lower temperatures than conventional fusing rollers, which results in longer life and reliability compared to conventional fusing rollers. Col. 1, lines 57-61, and col. 3, lines 32-35. Moser also discloses that the glossing rollers are significantly smaller in diameter than conventional heated fusing rollers, resulting in cost savings. Col. 3, lines 36-40.

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It would have been obvious for a person having ordinary skill in the art to use Moser's method of fixing color images to the recording sheet in the image forming method disclosed by Iwasaki with Iwasaki's color toners in examples 1 or 13, because that person would have had a reasonable expectation of successfully obtaining a cost-effective and reliable image forming method that could be used repeatedly for a long time and that would be capable of providing full color images having satisfactory color saturation properties and a desired uniform gloss.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki, as evidenced by Chemical Abstracts (CA) Registry Numbers 77804-81-0 and 147-14-8, and Industrial Organic Pigments, Table 18 at page 289, combined with McInally and Moser, as applied to claim 1 above, further combined with Kuramoto' 478.

The claims are rejected for the reasons discussed in CTNF062703, paragraph 12, which are incorporated herein by reference.

10. As discussed in CTNF062703, paragraph 13, the rejections set forth in the final rejection mailed on Oct. 2, 2002

(CTFR100202), paragraphs 9, 11, and 13, are now considered to be cumulative with the rejections over Elsermans combined with Iwasaki, alone or combined with Kuramoto'478, set forth in paragraphs 5-7 above. For the reasons discussed in the final rejection, these rejections would apply equally to the subject matter recited in claims 1-7, but are not set out.

11. Applicants' arguments filed in Amdt103003 with respect to the rejections set forth in paragraphs 5-9 above have been fully considered but they are not persuasive.

Applicants assert that even if the combination of references renders prima facie obvious the method recited in instant claim 1, the claimed invention achieves an unobvious and unexpected beneficial result over the prior art of record because "none of the references suggests that the combination of features recited in instant claim 1 could overcome or mitigate image quality problems of non-contact fixing."

However, as discussed in CTNF062703, paragraph 14, the showing in the instant specification is insufficient to show that the instantly claimed invention yields unexpected results over the prior art for at least the following reasons:

(1) The showing is not commensurate in scope with the instant claims. For the reasons discussed in CTNF062703, which

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are incorporated herein by reference, instant examples 1-4 comprise combinations of preferred embodiments that are recited individually in claims 2-7, which depend from independent claim 1. No claim is limited to the combination of preferred embodiments shown in the examples.

Given the welter of unconstrained variables it is not clear whether the results shown in the instant specification are obtained from the color toners comprising the particular yellow and magenta pigments recited in instant claim 1 (as argued by applicants), or due to some combination of the preferred embodiments. Each of the examples is narrower in scope than any dependent claim.

Applicants, in the response in Amdt103003, state that there is no "welter of unconstrained variables" between the examples of the invention and the comparative examples, because: (1) the same preferred embodiments that are recited in dependent claims 2-7 are present in comparative examples 1-3; and (2) "only the toner compositions and order of images - the features characterizing claim 1 - are varied . . . while the other factors including the 'preferred' features are held the same, affording a true and proper comparison."

However, the question is whether instant examples 1-4, labeled of the invention, are commensurate in scope with the

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instant claimed subject matter, not whether they are proper comparison to comparative examples 1-3. As discussed, supra, examples 1-4 are not commensurate in scope with the instant claims. They do not represent the full scope of the invention recited in claim 1, or any of the dependent claims. There is no evidence on the present record showing that the improved results in color reproducibility are obtained from the color toners comprising only the particular yellow and magenta pigment recited in instant claim 1. "It is well settled 'that objective evidence of non-obviousness must be commensurate in scope with the claims which the evidence is offered to support.' In re Tiffin, 448 F.2d 791, 171 USPQ 294 (CCPA 1971)." In re Grasselli, 218 USPQ 769, 778 (Fed. Cir. 1983). The burden is on applicants, who are asserting unexpected results, to come forward with showings that the evidence on which they rely extend over the entire scope of the claimed subject matter. The rejections stand because applicants have not shown that the full scope of instant claim 1 provides unexpectedly superior results over the prior art of Elsermans or over Iwasaki.

(2) As discussed in CTNF062703, the showing in the instant specification does not compare to the reference Iwasaki. Comparative example 1 is not a probative comparison to the prior art of Iwasaki. Iwasaki teaches the order of the toner layers

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as recited in instant claim 1. Comparative examples 2 and 3 are not probative comparisons to Iwasaki because Iwasaki teaches the use of the particular yellow and magenta pigments and the order of the toner layers recited in instant claim 1. Thus, comparative examples 1-3 are not probative comparisons to Iwasaki. Applicants have not shown that the non-contacting fixing step recited in instant claim 1 provides unexpectedly superior results in color reproducibility over Iwasaki.

Applicants, in the response in Amdt103003, state that they have shown that the instant claimed method provides superior image qualities over non-contact fixing methods that do not employ the combination of features recited in claim 1. Applicants urge that their invention enables the benefits of non-contact fixing without the drawbacks of inferior image qualities associated with non-contacting fixing, which "is in itself a beneficial result, which does not require any showing of better image quality than contact fixing methods using the same toners and order of arrangement of the images," and which is unexpected.

Applicants' arguments are not persuasive. Iwasaki teaches a method that meets the steps recited in instant claim 1, but for the non-contact fixing step. Iwasaki teaches the particular yellow, cyan, and magenta toners and the arrangement order of

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the toner layers required in instant claim 1. For the reasons discussed in the rejection in paragraph 8, the teachings of McInally and Moser provide ample teaching, suggestion, and motivation to use Moser's non-contacting fixing method in the method disclosed by Iwasaki. The reasons for combining the references do not have to be those of applicants. As discussed above, comparative examples 1-3 are not probative examples to Iwasaki. Thus, for the reasons discussed above, applicants' showing does not overcome the rejections over Iwasaki.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 6, 7, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 25 are indefinite in the phrase "the toner further comprises . . ." (emphasis added) for lack of antecedent basis in claim 1. Claim 1 does not recite the use of a toner,

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but recites the step of forming a yellow toner image, a magenta toner image, and a cyan toner image.

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1-7 and 25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 24, and 26-45 of copending Application No. 10/302,898 (Application'898) in view of Elsermans.

This is a provisional obviousness-type double patenting rejection.

Reference claim 40 recites a method of forming a color image comprising the steps of: (1) developing an electrostatic

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latent image with a combination of color toners comprising a yellow toner, a magenta toner, and a cyan toner, to form an image; (2) transferring the image or images onto a transfer paper; and fixing the images to form a color image. Each of the yellow, magenta, and cyan toners comprises a binder resin and a respective color pigment that is the same color pigments recited in the instant claim 1. Each of the toners has a melt viscosity not greater than about 120 mPas•sec at 140 °C, which meets the viscosity limitation recited in instant claims 3 and 25.

Reference claim 40 does not recite that the toners have the particulars recited in instant claims 2, 4-7, and 25. However, reference claim 22 recites a combination of color toners as recited in reference claim 40, wherein the binder resin in each of the toners comprises a polyol resin having a polyoxyalkylene chain as a main chain, which meets the binder resin limitation recited in instant claims 4 and 25. Reference claim 22 further recites that each of color toners provide fixed color images having a weight of 8 g/m². Reference claim 24, which depends from reference claim 22, requires that each of the fixed images have a haze factor not greater than 20%, which meets the limitations recited in instant claims 2 and 25. Reference claim 26 requires that the polyol resin be obtained by the same components recited in instant claims 5 and 25. Reference claim 35, which depends

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from reference claim 33, which ultimately depends from reference claim 22, requires that the toners comprise an aromatic hydroxycarboxylic acid zinc salt that is within the limitations recited in instant claims 6, 7, and 25.

It would have been obvious for a person having ordinary skill in the art, in view of the subject matter recited in the reference claims of Application'898, to form a yellow toner image, a magenta toner image, and a cyan toner image that are within the compositional and physical limitations recited in the instant claims on a transfer paper to form a color image and to fix color image on the transfer paper, because that person would have had a reasonable expectation of successfully obtaining a fixed full color image.

The reference claims do not recite that the fixing step is a non-contact fixing step as recited in instant claim 1. Nor do the claims recite the particular arrangement of the toner layers on the transfer paper as recited in instant claim 1.

Elsermans discloses a full color image forming method which uses a image forming device as described in paragraph 5 above, which is incorporated herein by reference. Elsermans's method and device form a full color image wherein the yellow toner image is formed directly on the receiving material, which satisfies the particular layer arrangement recited in instant

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claim 1. The method and device also fix the full color image on the receiving material with a non-contact fixing step with radiant energy. According to Elsermans, its method and device provide toner images with modified finishes (e.g., gloss) in "a simple and convenient manner." Col. 1, lines 52-54. Moreover, Elsermans discloses disadvantages of using heated rollers for fixing. For example, if the temperature of the roller is too high, the toner is transferred from the receiving material to the surface of heated roller, which produces the effect of "ghost" images. Col. 7, lines 2-7. Moreover, "[a]fter a period of time the heated rollers may become subject to wear." Col. 7, lines 13-14. Disadvantageous surface effects can occur due to the contact of the heated rollers with the receiving material. Col. 7, lines 14-16. Elsermans discloses that because non-contact fixing occurs without contact with the receiving material, "calendaring effects are avoided." Col. 8, lines 30-32. "The use of a non-contacting fixing device leads to longer high quality lifetime than contacting devices." Col. 15, lines 37-40.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of Elsermans, to form a full color image using the device disclosed by Elsermans in the method of forming a yellow toner image, a magenta toner

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image, and a cyan toner image rendered obvious over the subject matter recited in the reference claims of Application'898, such that the yellow toner image is formed directly on the transfer paper and that the full color image is fixed with a non-contacting radiant energy device as taught by Elsermans, because that person would have had a reasonable expectation of successfully obtaining a method that forms full color images with modified finishes as taught by Elsermans, without the disadvantages of using a heated roller fixing device.

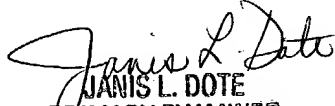
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

JLD

1/22/04


JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1530
1700